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Attorneys for Plaintiffs  
D. CUMMINS CORPORATION and D. CUMMINS  
HOLDING LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

D. CUMMINS CORPORATION, formerly  
known as VALLEY ASBESTOS COMPANY,  
a California corporation, and D. CUMMINS  
HOLDING LLC, a Delaware limited liability  
company,

Plaintiffs,

vs.

UNITED STATES FIDELITY AND  
GUARANTY COMPANY, UNITED STATES  
FIRE INSURANCE COMPANY, and DOES  
1-100,

Defendants.

Case No. 3:14-cv-00935-SC

**STIPULATED REQUEST FOR ORDER  
CHANGING DATES**

[28 U.S.C. § 1147]

Courtroom: 1, 17th Floor  
Judge: Hon. Samuel Conti

Date of Filing: January 23, 2014  
Trial Date: Not Yet Set

1 Plaintiffs D. Cummins Corporation and D. Cummins Holding LLC (“D. Cummins”) and  
 2 Defendants United State Fidelity and Guaranty Company (“USF&G”) and United State Fire  
 3 Insurance Company (“U.S. Fire”) (collectively “the Parties”), by and through their respective  
 4 undersigned attorneys of record, do hereby make the following Stipulated Request for Order  
 5 Changing Dates (“Stipulated Request”).

6 On March 25, 2014, the Court issued a Clerk’s Notice Scheduling Case Management  
 7 Conference on Reassignment, setting an Initial Case Management Conference in this case for  
 8 June 20, 2014. The setting of the Initial Case Management Conference triggered certain pre-June  
 9 20, 2014 reporting and disclosure requirements and deadlines for the Parties under the Federal  
 10 Rules of Civil Procedure and the Court’s Local Rules.

11 On March 31, 2014, D. Cummins filed a Motion for Remand requesting the Court to  
 12 remand this case to state court. USF&G and U.S. Fire have opposed that motion. The hearing on  
 13 the Motion for Remand is set for May 30, 2014. If the Motion for Remand is granted by the  
 14 Court, the case will be remanded to state court and the above-referenced reporting and disclosure  
 15 requirements and deadlines will be rendered moot.

16 The Parties seek to avoid the potentially unnecessary expenditure of resources in  
 17 complying with the above-referenced reporting and disclosure requirements and deadlines in the  
 18 event this case is remanded to state court. The Parties therefore request that the Court defer the  
 19 Initial Case Management Conference, along with all related reporting and disclosure requirements  
 20 and deadlines, for at least 30 days, and reschedule the Initial Case Management Conference for  
 21 late July or later. This will give the Parties sufficient time to comply with the reporting and  
 22 disclosure requirements and deadlines in the event the Motion for Remand is denied, but will also

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1 prevent the unnecessary expenditure of resources by the Parties in the event the Motion for  
2 Remand is granted.

3 SO STIPULATED.

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5 Dated: May 9, 2014

MORGAN, LEWIS & BOCKIUS LLP  
PETER F. McAWENEY

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7 By /s/ Peter F. McAweeney  
PETER F. McAWENEY  
Attorneys for Plaintiffs  
D. CUMMINS CORPORATION and D.  
CUMMINS HOLDING LLC

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9  
10 Dated: May 9, 2014

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13 By /s/ Sara M. Thorpe  
SARA M. THORPE  
Attorneys for Defendant  
UNITED STATE FIRE INSURANCE  
COMPANY

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15  
16 Dated: May 9, 2014

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SUSAN MICHELE WALKER

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18  
19 By /s/ Susan Michele Walker  
SUSAN MICHELE WALKER  
Attorneys for Defendant  
UNITED STATE FIDELITY AND  
GUARANTY COMPANY

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22 PURSUANT TO STIPULATION, IT IS SO ORDERED, AS FOLLOWS:

23 The Initial Case Management Conference is rescheduled for Aug. 8, 2014, and all  
24 related reporting and disclosure requirements and deadlines under the Federal Rules of Civil  
25 Procedure and the Court's Local Rules are adjusted accordingly.

26  
27 Dated: 05/12/2014

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Honorably  
United States District Court

